

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Robert Moss, et al,	)	Civil Action No. 7:09-cv-1586-HMH
	)	
Plaintiffs,	)	MOTION FOR LEAVE TO FILE
	)	AMICUS BRIEF OF THE
vs.	)	STATE OF SOUTH CAROLINA
	)	EX REL HENRY D. MCMASTER,
Spartanburg County School District No. 7,	)	ATTORNEY GENERAL
	)	
Defendant.	)	
	)	

The State of South Carolina ex rel Henry D. McMaster, Attorney General, hereby moves for leave to file an amicus brief in this case in support of the Defendant's Motion for Summary Judgment. The proposed brief will address the issue of the constitutionality of the statutory authorization for released time programs in South Carolina to the extent that, *arguendo*, the statutes are implicated by Plaintiffs' allegations regarding the released time policy.

The State respectfully requests permission to file the brief on January 28, 2011, due to the schedule of counsel including work related deadlines and a possible week long trial before then.

Pursuant to Local Civil Rule 7.06, counsel affirms that counsel for the Defendant consents to this Motion. Counsel for the State ex rel McMaster has not consulted with counsel for the Plaintiffs because this matter already appears to be addressed by the following statement in Plaintiffs' Memorandum in Opposition to Defendant's Motion to Join the State as a Co-Defendant (at pp. 6 and 7): "Plaintiffs have little doubt that the Court will allow the State to appear as amicus

curiae if it wishes to be heard before judgment. This will fully accommodate the State's concerns."

Respectfully submitted,

HENRY D. McMASTER  
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/s/ J. Emory Smith, Jr.  
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January 3, 2011